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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Miguel URETA-Moreno,

Defendant

Magistrate Docket No.

'08 MJ 1841

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326


Deported Alien Found in the

United States


The undersigned complainant, being duly sworn, states:

On or about **June 12, 2008** within the Southern District of California, defendant, **Jose Miguel URETA-Moreno**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **13th DAY OF June, 2008**


Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**Jose Miguel URETA-Moreno****PROBABLE CAUSE STATEMENT**

On Thursday, June 12, 2008, at approximately 3:00 a.m. Supervisory Border Patrol Agent J. F. Hayes was responded to a call from the Border Patrol Dispatch requesting an officer to meet with officers from the El Cajon Police Department at 448 Broadway Street in El Cajon, California. Agent Hayes arrived at the scene and met with El Cajon Police Sergeant Englehart. Sergeant Englehart advised Agent Hayes that he observed a pickup truck with mechanical problems at the intersection of Highway 67 and Broadway.

As Sgt. Englehart approached the vehicle, he observed several subjects jump out of the bed of the truck and run away. Other police officers arrived to help Sergeant Englehart and apprehended five male subjects, including one later identified as the defendant **Jose Miguel URETA-Moreno**. The five individuals did not speak English, therefore Sergeant Englehart requested Border Patrol assistance in translating. Upon arriving on the scene Agent Hayes identified himself as a Border Patrol Agent and questioned all five individuals regarding their immigration status. All five, including the defendant admitted to being citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. Agent Hayes placed all five subjects in custody and transported them to the El Cajon Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 06, 2008** through **San Ysidro**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his rights and agreed to speak without the presence of an attorney. The defendant stated that he is a citizen and national of Mexico. He admitted that he does not have, and has never had any immigration documents entitling him to enter or remain in the United States legally. The defendant stated that he knew he was making an illegal entry on June 10, 2008. The defendant stated that he was going to Los Angeles, California to look for work.